

2/25/02

U. S. BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA

**ABINGDON CALENDAR - FEBRUARY 27, 2002**

**(The Honorable William F. Stone, Jr. Presiding)**

(Start: \_\_\_\_\_ Recess: \_\_\_\_\_ ♦Resume: \_\_\_\_\_ Stop: \_\_\_\_\_ ♦Trials: \_\_\_\_\_ Proceedings \_\_\_\_\_)

**Attys: Debtors: Case Nos.: Trustees:**

**9:30 A. M. - PRE-TRIAL CONFERENCES & MISC.**

Jackson	BILLY & CHARLOTTE BOURNE A/P 7-01-00188: Det. Dischargeability Mountain National Bank (John Gregory) v. debtors	7-01-04212	Wick/ SO
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Largen	MARC & KRISTIE HAGA-ch7 Motion #1: Relief - filed 1/7, d/e # 10, 11 Bank One West Va. NA (Neyhart) v. debtors & trustee	7-01-05344	Callahan/SO
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Debtor Motion to shorten notice; Motion to Redeem Personal Property; and Motion for Valuation of Security of Bank One West Va. NA (Neyhart)

**10:00 A. M. = MISCELLANEOUS**

Lamie	MILLARD & VIVIAN BRYANT-ch11 Plan Confirmation <b>Objection:</b> Farm Service Agency (Eckert) —contd from 1/30 for parties to tender order to resolve Obj to Plan	7-01-01641*	DIP/VS
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Motion of USDA—Farm Service Agency(Eckert) for dismissal of Ch. 11 case with prejudice—d/e #34; d/e # 40, 11/14, addtl ntc by U.S.D.A.

Cody	WILLIAM & TERESA JOHNSON-ch7 Motion #4: Sell Property free and clear of liens Wm. E. Callahan Jr., Trustee (Callahan) v. Russell County, VA —orig mot filed 2/8; amended motion filed 2/12	7-01-02547	Wick/NS
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**10:00 A. M. = MISCELLANEOUS**

Carroll	JEFFERY & MONETTE BOYD-ch7	7-01-04721	Wick/VS
	Motion #2: Avoid lien Debtors v. Citifinancial , successor to Transouth Financial Corp ( ) <b>-Default Order of 2/6 entered, cancels hearing</b>		
Carroll	KENNETH SALYERS - Ch. 7	7-01-03985	Callahan/MC
	Debtor's Motion to Reopen Case and waive reopening fee for purpose of filing amendment to Debtor's schedules of creditors [#16] <b>-CASE REOPENED BY ORDER OF 1/18; D/E # 17 ; amendment filed 2/11, Hearing cancelled</b>		
Farthing	ROBERT & JEANNIE HAWKS-ch7	7-01-04563	Callahan/PR
	Motion #1: Avoid lien, - filed 1/28, d/e # 16 17 (household goods) Debtors v American General Finance - served Blazer Financial Services R.A. <i>-filed with proposed order</i>  Motion #2: Avoid lien, - filed 1/28, d/e # 18, 19 (household goods) Debtors vBeneficial Finance/Commonwealth Legal Services Corp <i>-filed with proposed order</i>		
Farthing	ANTIONETTE BLAKEY - Ch. 7	7-01-02643	/PR
	Debtor's Motion to Reopen Ch. 7 for purpose of adding 3 creditors [#15] <b>ORDER entered 1/22; granted motion; hearing cancelled</b>		
Large	GARY & ANGELA ROSENBAUM-ch7	7-00-04193	Callahan/PR
	Motion of Trustee for Turnover Order for debtor to provide copy of tax returns to trustee and refunds and interest on refunds. D/e # 30, filed 2/6		

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**10:00 A. M. = MISCELLANEOUS**

Via                      SHIRLEY CARTER-ch7                      7-01-01976                      Callahan/JJ  
                                 Motion of Trustee to sell property of estate not in ordinary course of business to  
                                 Debtor subject to all liens, claims, rights and interest for \$4,500.00 d/e # 42, filed 2/6

Carmody              JOHN SMITH, JR. & HELEN SMITH - Ch. 7              7-01-05333              Callahan/PR  
                                 Motion #1: Relief [#10]  
                                 Republic Bank, Richmond, Va. (Wood) v. Debtors and Trustee

(None)                GRAYSON MOUNTAIN WATER CO-ch7                7-01-03363                Wick/PR  
                                 Motion of Curtis Harrington dba Tri-County Real Estate, Realtors (J.Ward) for  
                                 payment of administrative expenses \$100,000.00) d/e # 58, 62, filed 12/17 & 1/7  
                                 **Objection:** U. S. Trustee, McDow (Garber) filed /16, d/e # 70

Jessee                LEROY M. HULL COMPANY, INC. - Ch.7                7-01-03786                Wick/JJ  
                                 *(Converted to Ch7 on 2/1/02) – see also 11:00 mots filed while still Ch 11*  
                                 Motion #1: Relief - contd from 1/30 to make Ch 7 trustee a party to motion  
                                 Bush Hog LLC (Bradwell) v. debtor  
                                 Response of debtor file 1/16, d/e # 102

***–see also at Page 5***

Carmody              WALTER & DEBRA KELLY-ch7                      7-01-05332                      Callahan/SJ  
                                 Motion #1: Relief - filed 2/7; d/e # 10, 11, 12  
                                 Beneficial Discount Co of Va. (Zimm) v. debtors & trustee

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**10:00 A. M. = MISCELLANEOUS**

Timoney      ROGER & DAWN LUNDY - (reopened case)      7-00-02537      Callahan/NS  
Motion of Debtor (Timoney) to Quash Garnishment (filed 2/7); Notice of hearing (filed 2/22, d/e # 26); and Motion to Expedite Hearing, filed 2/22, d/e # 27

**10:30 A.M. - MISCELLANEOUS**

Timoney      JUDY HAYWOOD - Ch. 13      7-01-03603      Widener/PR  
Motion #3: Relief **and** Relief from Co-Debtor Stay [#44]  
Bank One W Va (Neyhart) v. debtor; W illiam Weeks, co-debtor(      ) & trustee  
RESPONSE filed by Debtors [#50]

Gifford      BURKE MOUNTAIN COAL CO INC-ch7      7-98-01015      Callahan/MC  
Motion for R.2004 Examination of Debtor's President, Robert Ray Cline, filed  
by Trustee 2/7, d/e # 143

**11:00 A. M. = MISCELLANEOUS**

Kendrick      BURLEY & TERRY PRICE=ch7      7-01-02673      Callahan/PR  
Continued Motion of U. S. Trustee to Dismiss (substantial abuse)  
–(deficiency ntc of 2/1 ref. Failure to comply with Rule 1017-1 requiring amended  
motion by 2/11 not complied with)

Lamie      GEORGE MARSHALL-chll      7-01-02972      DIP/SJ  
Status hearing - contd from 2/13; d/e # 36

Showcause if fails to comply w/UST's consent order to pay fees/file reports by 2/20

Copeland      G & A COAL CO, INC.-ch7      7-99-02321      Callahan/VS  
Motion of Trustee to Approve Compromise with Gauley Sales Co filed 2/6, d/e # 248  
–see also AP 01-126

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**11:00 A. M. = MISCELLANEOUS**

Lamie            LEGEND RADIO GROUP INC-chll            7-94-01461            DIP/VS  
Motion/Report filed by Richard Edwards, Plan Proponent (Esposito) and  
proposed distribution in Ch 11 confirmed plan filed 2/4, d/e # 373  
**OBJECTION:** U. S. Trustee (Garber) filed 2/21

Jessee            LEROY M. HULL COMPANY, INC. - Ch. 11            7-01-03786            DIP/JJ  
Final Hearing on Disclosure Statement & Plan due to be filed by 1/25/02  
**—CASE CONVERTED TO Ch7 on 2/1/02**  
  
Mot for Compensation of Buddy Rife, expert appraiser, in amt of \$775.00 filed 1/28  
d/e # 109  
  
Mot for Compensation of Paul J Rhoton, accountant, in amt of \$6,144.80, filed 1/28,  
d/e # 110

***—see also at Page 3***

Copeland            BOBBY VENCILL TRUCKING-chll            7-01-03813            DIP/PR  
Show Cause as to why case should not be dismissed or converted due to failure  
to file past due monthly reports [#54] (*Sept/Oct/Nov filed 1/7/02*)  
—contd fr 1/30 – Dec. Pastdue )

White            W & L LEASING & ENGINEERING            7-99-03015            DIP/MC  
Motion of U. S. Trustee to convert or dismiss case (Garber) filed 12/28, d/e # 192  
Motion of Va.Dept of Taxation to convert or dismiss filed 1/14, d/e # 193 (Miner)  
—contd fr 1/30 & 2/27  
  
A/P 7-01-00050(closed) : showcause (Fleischhauer); failure of party to comply with  
order  
**—DENIED IN COURT'S ORDER OF 2/20/02**

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**11:00 A. M. = MISCELLANEOUS**

Carmody MORRIS & SANDRA SMITH -ch13 01-3668 Widener  
A/P 7-01-00129; **Showcause:(Winston & Carmody);failure to ten. Consent Ord.**  
Debtor v. IRS (Winston)  
*Note: Ord recd 2/6; ct will accept joint written stmt of counsel, filed in advance of*  
*hrg. in lieu of appearance per ltr of 2/8*

A/P 7-01-00130; **Showcause:(Winston & Carmody);failure to ten. Consent Ord.**  
Debtor v. IRS (Winston)  
*Note: Ord recd 2/6 ; ct will accept joint written stmt of counsel, filed in advance of*  
*hrg. in lieu of appearance per ltr of 2/8*

A/P 7-01-00131; **Showcause:(Winston & Carmody);failure to ten. Consent Ord.**  
Debtor v. IRS (Winston)  
*Note: Ord recd 2/6 ; ct will accept joint written stmt of counsel, filed in advance of*  
*hrg. in lieu of appearance per ltr of 2/8*

A/P 7-01-00132; **Showcause:(Winston & Carmody);failure to ten. Consent Ord.**  
Debtor v. IRS (Winston)  
*Note: Ord recd 2/6 ; ct will accept joint written stmt of counsel, filed in advance of*  
*hrg. in lieu of appearance per ltr of 2/8*

Copeland JIMMY COOPER - chl1 7-99-03591 DIP/VS  
Motion of Debtor to Sell Property (R6004 ) filed 2/7, d/e #183

**1:00 P. M. - CHAPTER 13 CONFIRMATIONS**

Farthing STEPHEN & LORRI CORDER-ch13 7-01-04496 Widener/JJ  
Mod Plan filed 1/16, d/e # 26, 27 (**further modif. being filed; mailed by atty 2/20**)  
(Filed 2/22; set 4/23 @ 1)  
Trustee Showcause Motion: convert/dismiss; d/e # 14; contd from 2/13  
  
Motion for valuation: '99 Dodge Ram Truck, \$12,710.00; Bank One; filed 1/14, d/e # 24  
Amended Valuation filed 1/28, d/e # 32 to cure deficiency ntc of 1/18, d/e # 28  
**Obj filed by Bank One, WV, NA (Neyhart) [#33] Ord tendered to withdraw obj**

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**1:00 P. M. - CHAPTER 13 CONFIRMATIONS**

Copeland      BRIAN MITCHELL      7-01-03831      Widener/VS  
Mod Plan filed 11/23 d/e #  
**Objection:** Trustee w/showcause on dismissal or conversion filed 10/24, d/e # 21  
Contd fr 12/10 and 1/3  
**Objection:** IRS (Fogg) filed 12/3; d/e # 33  
**Objection:** CitiCapital Commercial (Sheets) filed 10/17; d/e # 20  
  
Valuation mot: CitiCapital Commercial, '96 Kenworth Tractor filed 11/23, d/e # 28  
Valuation mot: CitiCapital Commercial, '98 Kenworth Tractor filed 11/23, d/e # 29  
\*amended valuation motions filed 1/24 & hrg scheduled 2/27/02 @ 1:00

Copeland      EARL & JENNIFER HILLIARD-chl3      7-01-00340      Widener/LM  
Mod Plan filed 1/15, d/e # 65, 66

Lamie      BOBBY & BRENDA VENCILL-chl3      7-01-04512      Widener/SJ  
Mod Plan filed 1/11, d/e # 32, 33  
**Objection:** First Vantage Bank (Hutton) filed 1/22, d/e # 37  
PACCAR Financial (Cleary) filed 2/11, d/e # 29

Trustee showcause: dismiss/convert (d/e # 21) contd from 2/13

Hutchinson      JAMES & CONNIE ALLEY-chl3      7-01-04207      Widener/NS  
Mod Plan filed 1/2, d/e # 16, 17  
**Objection: (new):** American Gen. Finance (Hutton) filed 1/16, d/e # 20  
  
Objections of American General (Hutton) and Trustee and Trustee's Motion to  
Dismiss or convert contd from bench Jan 2 to hear w/mod plan

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**1:00 P. M. - CHAPTER 13 CONFIRMATIONS**



Timoney      MARTIN & THERESA GOAD-chl3      7-99-03784      Widener/AF  
Motion of Trustee to Dismiss/Convert filed 9/19, d/e # 17, contd fr 10/23 & 12/10  
(Total arrears \$475 - will cure by hrg or file mot to extend plan 3 mos to cure)  
  
Motion filed 11/6 of Debtor to Modify Terms of Chapter 13 Plan , d/e # 25 - contd  
from 1/30 for attorney to serve all creditors ; New ntc & c/s filed 2/4, d/e #28

Hutchinson      CHARLES COX - Ch. 13      7-01-04565      Widener/MC  
Motion #2: Relief [#29]  
Amsouth(Fleischhauer) v. debtor & trustee filed 1/31  
Answer filed 2/5, d/e # 36

**(Note: Confirmation scheduled at 1:00 p.m.  
Motion #3 Relief from Stay scheduled @ 2:00 p.m.)**

**See also at Page 8 & 10**

Copeland      JOHNNY KESTNER - Ch. 13      7-01-03136      Widener/JJ  
Motion to Withdraw as counsel of record for Debtor [#58]  
–**ORDER DISMISSING CASE 2/1 (on motion of trustee)**

Carmody      PAMELA MONK - Ch. 13      7-01-05163      Widener/PR  
Motion to Withdraw as counsel for Debtor [#15]  
–**ORDER DISMISSING CASE 2/4 (on motion of trustee) [#18]**

**2:00 P. M. - MISCELLANEOUS HEARINGS**

Lamie      JOHN & NANCY MCGLOCKLIN-chl3      7-99-04144      Widener/SO  
Motion of Trustee to convert or dismiss case, filed 2/7; d/e # 30  
*note: conf on mod plan scheduled 3/27 @ 1*

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**2:00 P.M. - MISCELLANEOUS**

Hutchinson CHARLES COX - Ch. 13 7-01-04565 Widener/MC  
Motion #3: Relief from Co-Debtor Stay [#31]  
AmSouth Bank (Fleischhauer) v. Debtor & Nancy J. Cox, Co-Debtor & Trustee  
  
(Note: Confirmation hrg. scheduled @ 1:00 p.m.)

*See also at Pages 8 and 9*

Hutchinson JERRY & SALLY BOWEN-chl3 7-98-03914 Widener/VS\  
Trustee Motion to Dismiss/Convert (d/e # 31) contd from 11/27 and 1/3

Hutchinson DANNY SWARTZ-chl3 7-99-01828 Widener/AF  
Motion of Trustee to convert/dismiss filed 1/24 d/e # 32

Proctor LESLIE & JANIS RHEA-chl3 7-98-00718 Widener/AF  
Motion of Trustee to convert or dismiss filed 1/24, d/e # 23

Timoney JOY BILELLO-chl3 7-01-03375 Widener/MC  
Motion of Trustee to convert or dismiss filed 1/24, d/e # 23

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**2:00 P.M. - MISCELLANEOUS**

Timoney      BRENDA COVEY-ch13      7-97-04326      Widener/JJ  
Trustee's Motion to dismiss or convert - contd from 1/30 / d/e # 32, 33, 34

Graham      TRAVIS & DEBORAH POSTON-ch7      7-01-05127ABG      Wick/NS  
Motion #1: relief - filed 2/4, d/e # 13  
Fairbank Capital Corp (Clarke) v debtor & trustee  
*—note: P.Graham has conflict with date; will be filing Motion/Proposed Ord, etc. for  
continuance; has been unable to talk w/movant counsel after three attempts.*

**2:30 P. M. - TRIAL**

Proctor      DOUGLAS PRUITT- Ch7      7-01-03088      Callahan/LM  
A/P 7-01-00154: Det. Dischargeability **TRIAL (approx 1 hour)**  
Southern Finance & Thrift Corp of Kingsport (Roberts/Boatwright/Copeland) v.  
Debtor (Proctor/Doyle\*) \*admission appl.not filed as yet(12/18)